



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/545,188

04/07/2000

Katsuhisa Watanabe

862.C1887

1522

5514

7590

06/13/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/545,188	WATANABE, KATSUHISA	
	Examiner	Art Unit	
	Thanh T. Vu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8,11,13,15,17,19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 6, 8 11, 13 15, 17, 19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2174

DETAILED ACTION

1. This communication is responsive to an amendment filed 02/27/2006.
2. Claims 1, 3-6, 8-11, 13-15, 17, 19 and 21-24 are pending in this application; and, claims 1, 6 and 11 are independent claims. Claims 1, 6, 11, have been amended; claims 2, 7, 12, 16, 18 and 20 have been cancelled; and, claims 22-24 have been added. This action is made Final
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4, 6, 9, 11, 14, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamner et al. ("Hamner").

As per claim 1, Hamner teaches a network terminal apparatus comprising: management means for managing setting information (fig. 2A and 2B; *setting information such as. layout setting of the network*) concerning a plurality of image processing devices (col. 4, lines 14-22; col. 10, lines 43-50; *double-clicking on a group icon such as printer 207, will cause that group to be expanded into a tree hierarchy consisting of all devices within that group*) which implement an image processing function as settings information (fig. 2A; col. 3, lines 54-63;

Art Unit: 2174

printing function implemented as settings information such as a non-functioning printer); search means for acquiring, via a network, device information concerning image processing devices connected to the network with recording means for recording information concerning available image processing devices based on the device information acquired by said search means (col. 3, lines 47-54; col. 3, line 64 through col. 4, line 1; *data regarding device information, such as the quantity and types of devices, current ,physical, and logical layout of the network, and availability of a particular device (i.e. function or non-functioning printer) are gathered; this data is then stored in a database as a network "map" and displayed*); icon display means for displaying icons each corresponding to each image processing function (col. 3, lines 47-50; *displaying icons corresponding to the image processing function, such as printing*); recognition means for recognizing whether the settings information has been updated based on the information recorded by the recording means (col. 3, lines 47-63, col. 5, lines 44-48; *user performs an operation to determine, or user's command determines whether the settings information of each function has been updated*); and settings information display means for displaying updated settings information in proximity to a selected icon in a case where the settings information has been updated in regard to an image processing function corresponding to an icon selected by a user from among the displayed icons (col. 3, line 55 through col. 4, line 26; *upon selecting the device icon or group icon, tasks/settings (e.g. non-functioning printer) that can be performed to troubleshoot, monitor or report on a device are displayed in proximity within network task window 202*).

As per claim 4, Hamner teaches a network terminal apparatus wherein the settings information display means displays at least information relating to the type of image processing

Art Unit: 2174

device or a network name of the image processing device as the settings information (fig. 2A; *icon 207 is indicative of a printer type of image processing device*).

Claims 6 and 11 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 9 and 14 are individually similar in scope to claim 4 and are therefore rejected under similar rationale.

As per claim 22, Hamner teaches the apparatus of claim 1, wherein the settings information includes at least one of an identifier of each image processing function and connection information concerning a server connected to the image processing device (figs. 2A and 2B; col. 3, lines 47-63; identifier 207; *displaying icons corresponding to the image processing function, such as printing*).

Claims 23 and 24 individually are rejected under the same rationale as claim 22.

6. Claims 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamner et al. ("Hamner") in view of Dow et al. ("Dow").

As per claim 3, although Hamner teaches a network terminal apparatus wherein the plurality of image processing devices include printers (fig. 2A; col. 4, lines 14-22), Hamner does not explicitly disclose a network terminal apparatus wherein the plurality of image processing devices include a network scanner. Dow teaches a network terminal apparatus wherein an image processing device include a network scanner (col. 2, lines 2-5). Therefore, it would have been obvious to an artisan at the time of the invention to include Dow's teaching of a network terminal apparatus wherein an image processing device include a network scanner to Hamner's teaching of a network terminal apparatus wherein the plurality of image processing devices include

Art Unit: 2174

printers to allow business professionals to scan paper-based documents, manage them effectively and distribute them in a timely fashion.

Claims 8 and 13 are individually similar in scope to claim 3 and are therefore rejected under similar rationale.

7. Claims 5, 10, 15, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamner et al. ("Hamner").

As per claims 5 and 17, although Hamner teaches a network terminal apparatus comprising designating means such as a cursor for allowing the user to designate, in order to select, a desired icon from among the icons displayed by the icon display means wherein, when a desired icon is designated for a predetermined period of time by the designating means, the settings information display means displays, in proximity of the desired icon, the settings information within an adjacent window in regard to the image processing function corresponding to the desired icon (col. 3, lines 23-30; col. 3, line 55 through col. 4, line 26), Hamner does not explicitly disclose the information displayed in proximity to the icon to be a tool-tip. Official Notice is taken that the use of tool-tips to display information in proximity to an icon is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of tool-tips to display information in proximity to an icon to Hamner's teaching of the use of windows to display information in proximity to an icon to provide users with an implementation preference.

Claims 10 and 19, in combination, are similar in scope to the combination of claims 5 and 17 and are therefore rejected under similar rationale.

Claims 15 and 21, in combination, are similar in scope to the combination of claims 5 and 17 and are therefore rejected under similar rationale.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Hamner does not teach "recording means for recording information concerning available image processing devices based on the device information acquired by said search means, recognizing whether the settings information has been updated based on the information recorded by the recording means, and displaying updated settings information in proximity to a selected icon in a case where the settings information has been updated in regard to an image processing function corresponding to an icon selected by a user from among the displayed icons.

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05; 162 USPQ 541, 550-51 (CCPA 1969).

Art Unit: 2174

In this case, Hamner reads ^{on} of the claim language of recording information concerning available image processing devices based on the device information acquired by said search means (col. 3, lines 47-54; col. 3, line 64 through col. 4, line 1; *data regarding device information, such as the quantity and types of devices, current ,physical, and logical layout of the network, and availability of a particular device (i.e. functioning or non-functioning printer) are gathered; this data is then stored in a database as a network "map" and displayed*), recognition means for recognizing whether the settings information has been updated based on the information recorded by the recording means (col. 3, lines 47-63, col. 5, lines 44-48; *user performs an operation to determine, or user's command determines whether the settings information of each function has been updated*), and displaying updated settings information in proximity to a selected icon in a case where the settings information has been updated in regard to an image processing function corresponding to an icon selected by a user from among the displayed icons (col. 3, line 55 through col. 4, line 26; col. 5, lines 44-48; *upon selecting the device icon or group icon, tasks/settings (e.g. non-functioning printer) that can be performed to troubleshoot, monitor or report on a device are displayed in proximity within network task window 202*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2174

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/545,188
Art Unit: 2174

Page 9

T. Vu

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100